

### **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the outstanding grounds of objection and/or rejection are respectfully requested in light of the above amendments and the remarks which follow.

At the outset, applicant gratefully acknowledges the Examiner's allowance of claims 17-22, and the further indication that claims 14-16 contain allowable subject matter. For the record, the Examiner's reasons for allowability at the bottom of page 3 of the Official Action apply only to claims that contain the quoted limitations. In no event should the reasons for allowability be interpreted to mean that any claim includes any additional limitations beyond those it expressly states. New claim 23 is added and is patentable for the reasons stated by the Examiner.

The Examiner has rejected claims 1-13 under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over various claims in U.S. Patents 6,647,976; 6,584,966; and 6,571,786, for the reasons stated on pages 2 and 3 of the Official Action.

Applicant traverses the obviousness-type double patenting grounds of rejection. Obviousness-type double patenting arises only where the claimed subject matter is not patentably distinct from the subject matter claimed in a commonly owned patent, and where the issuance of a second patent would provide unjustified extension of the term of the right to exclude granted by the patent. In this regard, a conclusion of obviousness-type double patenting must be made in light of the factual inquiry set forth in *Graham v.*

*John Deere*, 383 U.S. 1, 148 USPQ 459 (1966). In addition, Section 804 of the MPEP makes it clear that any obviousness-type double patenting rejection must set forth the differences between the inventions defined by the conflicting claims, i.e., a claim in the patent compared to a claim in the application, along with reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim at issue is an obvious variation of the invention defined in a claim in the patent. No such analysis has been presented here.

Instead of showing why the pending claims in this application are obvious variations of patent claims, the Office Action asserts that the pending claims are "merely broader than the patent claim(s)." This assertion finds no support in the record. Applicant has been unable to find a claim in any of the three cited patents that can merely be broadened to obtain claim 1, the broadest of the rejected claims and the claim from which claims 2-13 all depend. For example, claim 1 is limited both to a "locking rod located in said handle portion and actuated by a lever in said handle portion to engage and lock a second component" relative to the handle, and also to the "second component arranged to interact with said sear edge and to release said sear element and thereby release the bow string upon movement of the handle." None of the patent claims includes all elements of this combination of features. Because of these and other limitations, it is respectfully submitted that claims 1-13 are neither merely broadened versions nor obvious variations of claims in the patents identified in the Office Action.

For the reasons set forth above, claims 1-16 and new claims 23 are now in condition for allowance along with allowed claims 17-22. Accordingly, early passage to issue is requested. In the event, however, any small matters remain outstanding, the Examiner is encouraged to telephone the undersigned so that the prosecution of this application can be expeditiously concluded.

Respectfully submitted,

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